United Nations A/HRC/30/NGO/98

General Assembly

Distr.: General
8 September 2015

English only

**Human Rights Council**
**Thirtieth session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15145(E)

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# India: government must put an end to outlawed manual scavenging now

1. The Asian Legal Resource Centre (ALRC) draws the attention of the Human Rights Council to the continuation of manual scavenging, i.e. the manual cleaning of human excreta, despite the practice having been outlawed repeatedly by both the Indian Parliament and the Supreme Court.

2. The government's own data reveals that a total of 180,657 rural households continue to engage in manual scavenging in India. This is the state of affairs a year after the launch of Swachh Bharat Abhiyan (Clean India Mission), a flagship scheme of the incumbent government. The scheme covers 4,041 statutory towns and aims to clean the streets, roads, and infrastructure of the country. The government data is from the recently released findings of the Socio-Economic and Caste Census, 2011, conducted by the Ministry of Rural Development. This census, a reliable source of macro data on socio economic status of households, has shown the state of Maharashtra to be worst culprit in terms of manual scavenging, with the states of Madhya Pradesh, Karnataka, Tripura, Punjab, and Uttar Pradesh being others where the practice is common.

3. Manual scavenging continues two-and-a-half years after the Supreme Court last outlawed the practice. With this judgment, the Court fixed command responsibility with the chief executive officer (or equivalent authority) of civic bodies where the practice is found to continue. However, not a single chief executive officer has been penalised for violating the Court's order, in the last two-and-a-half years. All the households still engaged in manual scavenging exist under the umbrella of some local body, be it a panchayat or a municipal corporation. Ending manual scavenging in these households by demolishing dry latrines, and stopping cleaners from entering sewers, is the primary responsibility of the chief executive officer of the local body. By failing to prevent manual scavenging, all these officers are currently violating the Supreme Court order with impunity and must be prosecuted.

4. Authorities have also been flouting the Supreme Court's order on manual scavenging by denying manual scavenging continues in their jurisdiction. States like Tamil Nadu, Kerala, Goa, Andhra Pradesh, Telengana, Gujarat, Assam, and Manipur have engaged in such denial, repeatedly, while numerous surveys of organizations like Garima Abhiyan and Safai Karmchari Andolan expose the lies. In fact, even the Comptroller and Auditor General (CAG) of India had pointed out the continuation of the practice in the states and identified 1,402 cases in its report tabled in the Gujarat Assembly in 2014. Additionally, deaths have occurred in the process of sewers being cleaned, which is a practice outlawed in the same Supreme Court Order. These deaths, across the country, have made news from time to time prove that no Indian states can claim to be manual scavenging free.

5. Manual scavenging continues in other ways, in the form of manual cleaning of sewers, manholes, and others parts of urban sewage treatment systems, practices that the Supreme Court is supposed to have blanket banned on 27 March 2014. The Asian Human Rights Commission, sister organization to the ALRC, has consistently documented and reported cases of sanitation workers dying while cleaning gutters. The media has also been reporting on similar cases. And, yet, the authorities continue to deny prevalence of these banned practices.

6. Manual scavenging also continues because of persistent lack of sanitation facilities for around 600 million Indians, who are forced to defecate in the open. This is not a rural problem alone; it is a feature of all major urban centers including Delhi, Mumbai, Chennai, and Kolkata. Lack of toilets in slums, where a majority of urban poor live, forces residents to use railway tracks and other public spaces to defecate; local civic bodies cleaning staff are forced to deal with these excreta manually.

7. The Asian Legal Resource Centre urges the Council to:

a) Ask the Government of India to begin a nationwide programme in order to bring all Indian citizens under sanitation coverage, irrespective of socioeconomic status. The Government of India needs to provide toilet facilities for all urban poor presently forced to defecate in the open. The Government should also provide for sufficient public toilets in public spaces.

b) Ask the Government of India to implement the law that prohibits manual scavenging. In addition, the government of India needs to commence a time bound demolition drive against dry latrines. There is a need to implement the Supreme Court's order on the same and ensure prosecution of chief executive officers of local bodies failing to curb the practice.

c) Ask the government to put an immediate end to the practice of people entering manholes or sewers in order to clean them.

d) Ask the Government of India to not utilize the Supreme court granted exception of entering manholes in special cases with prior written orders from the Chief Executive Officer of the concerned civic body(with full protective gears). Instead, adoption of scientific technology to clean sewers must be introduced by the Government of India.